



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/466,982	12/17/1999	WHYNN VICTOR LOVETTE	104421	1810

7590 08/24/2005

OLIFF & BERRIDGE PLC
P.O. BOX 19928
ALEXANDRIA, VA 22320

EXAMINER

MISLEH, JUSTIN P

ART UNIT	PAPER NUMBER
----------	--------------

2612

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/466,982

Applicant(s)

LOVETTE ET AL.

Examiner

Justin P. Misleh

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 9, 11 - 13, and 15 - 23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 9, 11 - 13, and 15 - 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, filed April 11, 2005, with respect to the rejections of Claims 1 – 9, 11 – 13, and 15 – 23 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground of rejection is made in view of 35 USC § 112, first paragraph. Albeit, since independent Claims 1 and 21 are unchanged, this Office Action is Non-Final and meant to replace the Non-Final Office Action (February 5, 2005).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. **Claims 1 – 9, 11 – 13, and 15 – 23** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claims contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

4. More specifically, exemplary independent Claim 1 recites, therein, “calibrating for pixel gain by covering a video channel with an automatic gain control tab; and calibrating for pixel gain by multiplying a video signal output from an integrator, said video signal compensating for pixel error for both a video channel with an automatic gain control tab and video channel without

Art Unit: 2612

an automatic gain control tab, with a video signal inputted to a video channel other than the video channel covered with the automatic gain control tab.” Based upon the recited claim language, it appears that the claims are at least directed towards figures 1 and 3 of the present application; however, Applicant has failed to enable one with ordinary skill in the art to apply the disclosure of figure 3 with regard to the disclosure of figure 1.

5. Turning to the specification, Figure 1 is described, on page 3 (line 24) – page 4 (line 20), as an exemplary calibration system (100) having an uncalibrated video input (1000) and a calibrated video output (1400), wherein there is no mention or detailed described regarding the formation of the uncalibrated video input (1000). Figure 3, on the other hand, is described on page 5 (line 27) – page 7 (line 9), as a pixel offset process (400) having two video channel inputs including one video channel input with an automatic gain control tab and one video channel input without an automatic gain control tab, wherein the video channel with an automatic gain control tab is multiplied by an automatic gain control setpoint. The respective detailed descriptions of figures 1 and 3 have failed show how the uncalibrated video input (1000) to the system (100) in figure 1 becomes two video channel inputs (with a tab and without a tab) to the process (400) in figure 3 and how the two video channel outputs (with a tab and without a tab) of the process (400) in figure 3 becomes the video input (1300) to the process (500) in figure 4. Additionally, the detailed description of figure 3 has failed to show how the “automatic gain control tab setpoint” is established or how a “tab” yields a video channel input with an “automatic gain control tab” and a video channel input without an “automatic gain control tab”. Finally, the Examiner notes a “white tab”, a “tab covers” and “automatic gain control tab” are terms that are NOT known or enabling to one with ordinary skill in the art.

Art Unit: 2612

Conclusion

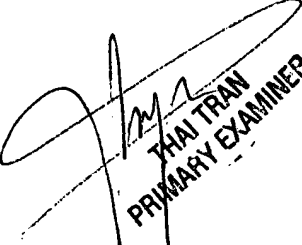
Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Justin P Misleh whose telephone number is 571.272.7313. The Examiner can normally be reached on Monday through Friday from 8:00 AM to 5:00 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Thai Q Tran can be reached on 571.272.7382. The fax phone number for the organization where this application or proceeding is assigned is 571.273.3000.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JPM

August 22, 2005


THAI TRAN
PRIMARY EXAMINER